
LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH GUIDELINES

SUBJECT:

FACILITY AND LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH ROLES IN PRIVILEGING AND AUTHORIZATION FOR INVOLUNTARY DETENTION OF CLIENTS IN LANTERMAN-PETRIS-SHORT (LPS) DESIGNATED FACILITIES UNDER WELFARE & INSTITUTIONS CODE SECTIONS 5000-5550

Revised 6/22/04

PURPOSE:

- 1.1 To define criteria by which the Professional in Charge of the Professional Staff recommends involuntary detention power for staff members to the designated facility governing board, and submits a request to authorize an individual for involuntary detention power to the Director of the Los Angeles County Department of Mental Health (LAC DMH).
- 1.2 To define the role of the designated facility in monitoring the 5150-related activities of individuals who have involuntary detention power.
- 1.3 To define the role of LAC DMH in monitoring the oversight mechanisms in the designated facility for 5150-related activities of the facility staff, including proctoring, quality assurance, and peer review.
- 1.4 To define the role of LAC DMH in monitoring the 5150-related credentials, training, and activities of individuals with involuntary detention power on the staff of designated facilities.

DECLARATION:

- 2.1 To be authorized in Los Angeles County under Welfare and Institutions Code Section 5150 to initiate the involuntary detention of a suspected mentally disordered individual to an evaluation facility designated by the County to provide 72-hour treatment and evaluation, individuals must meet the legal, professional, training, competency, and quality criteria described in the following statements.

PROCEDURE:

- 3.1 INDIVIDUAL ROLES AND RESPONSIBILITIES
 - 3.1.1 **Professional Staff** includes professionals in those mental health disciplines on the Staff of a designated facility qualified and approved by the governing body to exercise privileges to render specified services within the limits of his/her license, registration, or certification, in conformity with the Bylaws and Rules and Regulations adopted by the Professional Staff.
 - 3.1.2 In order to be authorized by the Local Mental Health Director to be designated to evaluate mentally disordered persons for placement in designated mental health facilities for 72 hour emergency intervention, staff members must meet the following minimum requirements.
 - 3.1.2.1 Must have submitted evidence to the designated facility of licensure, training, experience, ability, and health status sufficient to demonstrate that he/she will provide care to patients at the generally recognized level of professional quality, including a minimum of three years experience as a Licensed Mental Health Professional, or completion of or

membership in an approved psychiatric residency training program. Exceptions other than residency to the three-year requirement must be by facility appeal and by approval of the LAC DMH Director, but in any event requires no less than eighteen months experience as a Licensed Mental Health Professional.

- 3.1.2.2 Must comply with proctoring requirements as required by the designated facility for new applicants and/or new hires.
- 3.1.2.3 Must be a mental health professional member in good standing of the professional staff and meet all criteria for professional staff membership and clinical privileges set forth by the facility.
 - 3.1.2.3.1 Exception: Residents must have the ability to admit to an LAC LPS Designated Facility and be granted 5150/LPS Designation competency based on supervision.
- 3.1.2.4 Must submit an application for 5150 (Involuntary Detention) Designation to the LAC DMH and signed attestation completed in full.
- 3.1.2.5 Must have attended an LAC DMH-approved LPS class in involuntary detention laws and procedures, including patients' rights; be aware of any current changes in the law in this area; and be able to demonstrate such knowledge by achieving a passing score on a written examination administered by LA County DMH representative(s).
- 3.1.2.6 Must be recommended in writing as the facility's designee by the professional in charge of the professional staff of the designated facility, based on the institution's need for the individual's designation, the individual's professional skills, and verification of whether the individual meets all criteria stated herein.
- 3.1.2.7 Must have responsibility consistent with the requirements of the professional staff bylaws and/or employment policies for the care and treatment of the patients for whom he/she initiates applications for involuntary detention.
- 3.1.2.8 Must abide by Business and Professions Code Section 650 regarding compensation for referrals. Must abide by all provisions in the Welfare and Institutions Code Division 5, and accompanying regulations.

3.1.3 **Admitting Professional Staff** (includes individuals permitted by facility Bylaws to admit psychiatric patients).

Admitting Professional Staff, for purposes of Welfare and Institutions Code Section 5151, must meet all requirements listed above for Professional Staff members in order to be authorized to evaluate and place mentally disordered persons in designated mental health facilities for 72 hour emergency intervention, with the exception of attendance at a LAC DMH-approved LPS Designation Training Course, which is not required.

In addition, Admitting Professional Staff, irrespective of privileging for involuntary detention and authorization status, must:

- 3.1.3.1 Conduct a face-to-face assessment of an involuntarily admitted patient within 24 hours of admission.

- 3.1.4 The Local Mental Health Director authorizes individuals for a specified period, after which time further authorization requires certification of past attendance at a LAC DMH-approved LPS Training Course and/or testing session, current acceptable designation status, and completion of a renewal application and signing of an attestation for LPS designation.

3.2 DESIGNATED FACILITY ROLES AND RESPONSIBILITIES

The facility, as represented by the professional in charge of the professional staff, is accountable for verifying and submitting for involuntary detention authorization only fully qualified individuals. The quality of the information submitted will be a condition for continued designation of the facility.

It is the responsibility of the medical staff and governing body of the designated facility in matters of granting and monitoring of privileges for involuntary detention of patients to ensure that the necessary processes and mechanisms are fully operative in order to accomplish the following requirements.

- 3.2.1 Obtain verification of relevant training, experience and current licensure of all designees, including Residents, if licensed.
- 3.2.2 Ascertain if there are previously successful or currently pending challenges to any licensure or registration or any relinquishment of such licensure or registration.
- 3.2.3 Make all reasonable written and verbal inquiries to determine if there has been voluntary or involuntary termination of attending staff membership, reduction or loss of clinical privileges at another facility.
- 3.2.4 Take all reasonable steps to determine if there have been final judgments or settlements involving the individual's practice in the mental health field.
- 3.2.5 Adopt and utilize appropriate criteria consistent with Section 3.1 of these Guidelines for granting involuntary detention power to individuals for whom authority has been granted by the Local Mental Health Director.
- 3.2.6 Submit a complete and accurate application to the Director of LAC DMH for granting of involuntary detention authority to individual members of the staff who are approved for involuntary detention privilege based upon the criteria established by the professional staff.
- 3.2.7 Ensure members of the designated professional staff receive active peer review based on monitoring criteria established by the professional staff, and clinical supervision consistent with membership on the professional staff, including 5150 designation proctoring.
- 3.2.8 Monitor the quality of involuntary detention (5150) activities for all members of the professional staff in such a way that a high level of quality is ensured.
 - 3.2.8.1 The institution must review the privileges and performance of the professional at least every two years, including those aspects of activity relevant to the 5150 privilege, and notify the LAC DMH Director of such privilege approval.

- 3.2.9 Ensure non-admitting professional staff have access to appropriate psychiatric consultation whenever exercising the authority for involuntary detention.
- 3.2.10 Provide members of the designated professional staff with a facility identification badge as specified by the LAC Department of Mental Health LPS Designation Agreement and Checklist requirements.
- 3.2.11 Notify the LAC Department of Mental Health via the Patients' Rights Office within one week of discovery of licensure suspension or revocation of authorized staff members, and of the occurrence of any termination, whether voluntary or involuntary, of professional staff membership or reduction or loss of clinical privileges at the designated facility by individuals with involuntary detention powers.
- 3.2.12 Keep individual records or credentials files regarding the above for each designee and make them available for on-site inspection upon request to LAC Department of Mental Health representative(s).
- 3.2.13 Maintain a current roster all the facility's LPS designated staff that is available upon request by the Director of the LAC DMH or the Director's designees.
- 3.2.14 Submit specified data regarding 5150/involuntary detention activities of individual members of the professional staff to LAC DMH on a regular basis.

3.3 LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH ROLES AND RESPONSIBILITIES

The Los Angeles County Department of Mental Health, as a component of its statutorily required facility designation function, is responsible for ensuring the quality of the professional staff processes for granting and monitoring involuntary detention powers. For the same reason, the Los Angeles County Department of Mental Health also has responsibility for monitoring the role of the professional staff in 5150 (involuntary detention) activities in the community.

The role of the Los Angeles County Department of Mental Health encompasses:

- 3.3.1 Responsibility for monitoring integrity of professional staff processes for granting involuntary detention powers;
- 3.3.2 Responsibility for reviewing individual staff 5150-related performance as determined by the professional staff process;
- 3.3.3 Responsibility for assessing individual staff qualifications and performance related to involuntary detention activities as indicated by LAC DMH-gathered community data;
- 3.3.4 Responsibility for assuring LAC DMH-approved LPS courses and materials are provided in involuntary detention laws and procedures, including patients' rights, for administering written examinations on LPS laws and procedures, and for approval of applications submitted for individual designation; and,
- 3.3.5 Responsibility for withdrawing authorization of the facility's designation of an individual under 5150, subject to review by LAC DMH at the request of the designated facility.